

Explanation of Chapter [2021-226](#), *Laws of Florida* (HB 1103) Special District Accountability

Performance Review Purpose

To establish a scheduled performance review process for 4 types of special districts – fire control, hospital, mosquito, and soil and water conservation. The performance reviews are intended to evaluate the districts and their programs, activities, and functions using statutorily defined criteria, with the goal of identifying opportunities to improve services, increase efficiency, and reduce costs.

Districts Subject to Performance Reviews

1. Independent special fire control districts as defined in s. 191.003, *Florida Statutes*, that are not located in a rural area of opportunity
2. Independent special fire control districts as defined in s. 191.003, *Florida Statutes*, that are located in a rural area of opportunity
3. Hospitals licensed under Ch. 395, *Florida Statutes*, that are governed by a special district governing body as defined in s. 189.012, *Florida Statutes*, or by the board of trustees of a public health trust created under s. 154.07, *Florida Statutes*
4. Independent mosquito control districts as defined in s. 388.011, *Florida Statutes*
5. Soil and water conservation districts as defined in s. 582.01, *Florida Statutes*

Entities Responsible for Conducting Performance Reviews

- Districts must contract with an independent entity to conduct performance reviews for 1 and 3 above (Districts are responsible for the cost of the reviews)¹
- OPPAGA must conduct or contract with an independent entity to conduct performance reviews for 2, 4, and 5 above (OPPAGA is responsible for the cost of the reviews)

Performance Review Deadlines

- Districts must submit the final performance review report no later than 9 months from the beginning of the district's fiscal year according to the following schedule.
 - Independent special fire control districts not located in a rural area of opportunity - Beginning **October 1, 2022**, and **every 5 years thereafter**²
 - Hospitals - Beginning **October 1, 2023**, and **every 5 years thereafter**³
- OPPAGA must submit the final performance review report according to the following schedule.
 - Independent special fire control districts located in a rural area of opportunity - Beginning **October 1, 2022**, and **every 5 years thereafter** (no later than 9 months from the beginning of the district's fiscal year)⁴
 - Independent mosquito control districts - No later than **September 30, 2023**
 - Soil and water conservation districts - No later than **September 30, 2024**

Performance Review Criteria

- The special district's purpose and goals as stated in its charter.
- For each program and activity: goals and objectives, problem or need addressed, expected benefits, and performance measures and standards used to determine achievement of district goals and objectives.
- The delivery of services by the special district, including alternative methods of providing those services that would reduce costs and improve performance, including whether revisions to the organization or administration will improve the efficiency, effectiveness, or economical operation of the special district.
- A comparison of similar services provided by the county and municipal governments located wholly or partially within the boundaries of the special district, including similarities and differences in services, relative costs and efficiencies, and possible service consolidations.
- The revenues and costs of programs and activities of the special district, using data from the current year and the previous 3 fiscal years.
- The extent to which the special district's goals and objectives have been achieved, including whether the goals and objectives are clearly stated, measurable, adequately address the statutory purpose of the special district, provide sufficient direction for the district's programs and activities, and may be achieved within the district's adopted budget.
- Any performance measures and standards of the special district's programs and activities using data from the current year and the previous 3 fiscal years, including whether the performance measures and standards
 - are relevant, useful, and sufficient to evaluate the costs of the programs and activities;
 - are being met; and
 - should be revised.
- Factors that have contributed to any failure to meet the special district's performance measures and standards or achieve the district's goals and objectives, including a description of efforts taken by the special district to prevent such failure in the future.
- Recommendations for statutory or budgetary changes to improve the special district's program operations, reduce costs, or reduce duplication, including the potential benefits to be achieved and the potential adverse consequences of the proposed changes.

¹ The independent entity must have at least 5 years of experience conducting comparable reviews of organizations similar in size and function to the independent special district under review, must conduct the review according to applicable industry best practices, and must have no affiliation with or financial involvement in the reviewed district.

² A performance audit of an independent special district conducted by the Auditor General during the same fiscal year in which a performance review is due qualifies as that district's scheduled performance review.

³ Ibid.

⁴ Ibid.